

AMENDED IN SENATE JUNE 30, 2016

AMENDED IN SENATE JUNE 21, 2016

AMENDED IN SENATE JUNE 16, 2016

AMENDED IN ASSEMBLY APRIL 7, 2016

AMENDED IN ASSEMBLY MARCH 18, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 2498

Introduced by Assembly Member Bonta

February 19, 2016

An act to amend Section 6254 of the Government Code, and to amend Sections 293, 293.5, and 1048 of the Penal Code, relating to human trafficking.

LEGISLATIVE COUNSEL'S DIGEST

AB 2498, as amended, Bonta. Human trafficking.

The California Public Records Act requires state and local agencies to make public records available for inspection by the public, subject to specified criteria and with specified exceptions. Existing law exempts from disclosure any investigatory or security file compiled by any other state or local police agency, or any investigatory or security files compiled by any other state or local agency for correctional, law enforcement, or licensing purposes. Existing law requires, however, that state and local law enforcement agencies make public specified information, including names of victims, relating to the circumstances surrounding all complaints or requests for assistance, among other things, except to the extent that disclosure of a particular item of

information would endanger the safety of a person involved in the investigation. Existing law allows victims of specified crimes, including human trafficking, to request that their names be withheld from any public records request, and upon that request prohibits law enforcement agencies from disclosing those names except under specified circumstances. Existing law additionally prohibits law enforcement agencies from disclosing the addresses of victims of specified crimes, including human trafficking.

This bill would authorize, at the request of a victim and subject to specified restrictions, the withholding of the names and images of a victim of human trafficking and that victim's immediate family, as defined and as specified, from disclosure pursuant to the California Public Records Act until the investigation or any subsequent prosecution is complete. The bill would additionally prohibit law enforcement agencies from disclosing the names, addresses, and images of victims of human trafficking and their immediate family, except under specified circumstances. The bill would also require law enforcement agencies to orally inform the person who alleges to be the victim of human trafficking of his or her right to have his or her name, addresses, and images, and the names, addresses, and images of his or her immediate family members withheld and kept confidential. If the victim's native language is not English, the bill would require that the law enforcement agency inform the victim of this right in his or her native language. By imposing new duties on law enforcement agencies, the bill would impose a state-mandated local program.

Existing law, as amended by the Californians Against Sexual Exploitation Act (CASE Act), an initiative measure enacted by the approval of Proposition 35 at the November 6, 2012, statewide general election proscribes the crime of human trafficking. A person who deprives or violates the personal liberty of another with the intent to obtain forced labor or services, or to effect or maintain a violation of various felony or misdemeanor offenses, including offenses relating to prostitution, child pornography, as specified, or extortion, as defined, is guilty of human trafficking. A person who causes, induces, or persuades, or attempts to cause, induce, or persuade, a person who is a minor at the time of commission of the offense to engage in a commercial sex act, with the intent to effect or maintain a violation of various felony or misdemeanor offenses, is also guilty of human trafficking.

Existing law proscribes various sex offenses, including pimping and pandering. Existing law makes a person who procures another person for the purposes of prostitution, or who by promises, threats, violence, or by any device or scheme, causes, induces, persuades, or encourages another person to become a prostitute guilty of pandering. Existing law makes a person who, knowing another person is a prostitute, lives or derives support or maintenance in whole or in part from the earnings or proceeds of the person's prostitution, or from money loaned or advanced to or charged against that person by any keeper, manager, or inmate of a house or other place where prostitution is practiced or allowed, or who solicits or receives compensation for soliciting for the person guilty of pimping.

Existing law generally requires that the issues on the court calendar be disposed of in a specified order, unless for good cause the court directs an action to be tried out of its order. Existing law requires that certain criminal actions, however, take precedence over all other criminal actions in the order of trial, including criminal actions in which a person is a victim of an alleged violation of a specified sex offense, including rape, incest, or sodomy, committed by the use of force, violence, or the threat of force or violence.

This bill would expand the list of criminal actions that take precedence over all other criminal actions in the order of trial to include human trafficking, as defined by the CASE Act, pimping, and pandering. The bill would also make technical and clarifying changes.

This bill would also make other technical, nonsubstantive, and conforming changes.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect regarding the need to maintain the confidential names of victims of human trafficking and their families.

~~This bill would incorporate additional changes to Section 6254 of the Government Code proposed by AB 2611 to take effect if both bills are chaptered and this bill is chaptered last.~~

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6254 of the Government Code is amended
2 to read:
3 6254. Except as provided in Sections 6254.7 and 6254.13, this
4 chapter does not require the disclosure of any of the following
5 records:
6 (a) Preliminary drafts, notes, or interagency or intra-agency
7 memoranda that are not retained by the public agency in the
8 ordinary course of business, if the public interest in withholding
9 those records clearly outweighs the public interest in disclosure.
10 (b) Records pertaining to pending litigation to which the public
11 agency is a party, or to claims made pursuant to Division 3.6
12 (commencing with Section 810), until the pending litigation or
13 claim has been finally adjudicated or otherwise settled.
14 (c) Personnel, medical, or similar files, the disclosure of which
15 would constitute an unwarranted invasion of personal privacy.
16 (d) Records contained in or related to any of the following:
17 (1) Applications filed with any state agency responsible for the
18 regulation or supervision of the issuance of securities or of financial
19 institutions, including, but not limited to, banks, savings and loan
20 associations, industrial loan companies, credit unions, and
21 insurance companies.
22 (2) Examination, operating, or condition reports prepared by,
23 on behalf of, or for the use of, any state agency referred to in
24 paragraph (1).
25 (3) Preliminary drafts, notes, or interagency or intra-agency
26 communications prepared by, on behalf of, or for the use of, any
27 state agency referred to in paragraph (1).
28 (4) Information received in confidence by any state agency
29 referred to in paragraph (1).
30 (e) Geological and geophysical data, plant production data, and
31 similar information relating to utility systems development, or

1 market or crop reports, that are obtained in confidence from any
2 person.

3 (f) Records of complaints to, or investigations conducted by,
4 or records of intelligence information or security procedures of,
5 the office of the Attorney General and the Department of Justice,
6 the Office of Emergency Services and any state or local police
7 agency, or any investigatory or security files compiled by any other
8 state or local police agency, or any investigatory or security files
9 compiled by any other state or local agency for correctional, law
10 enforcement, or licensing purposes. However, state and local law
11 enforcement agencies shall disclose the names and addresses of
12 persons involved in, or witnesses other than confidential informants
13 to, the incident, the description of any property involved, the date,
14 time, and location of the incident, all diagrams, statements of the
15 parties involved in the incident, the statements of all witnesses,
16 other than confidential informants, to the victims of an incident,
17 or an authorized representative thereof, an insurance carrier against
18 which a claim has been or might be made, and any person suffering
19 bodily injury or property damage or loss, as the result of the
20 incident caused by arson, burglary, fire, explosion, larceny,
21 robbery, carjacking, vandalism, vehicle theft, or a crime as defined
22 by subdivision (b) of Section 13951, unless the disclosure would
23 endanger the safety of a witness or other person involved in the
24 investigation, or unless disclosure would endanger the successful
25 completion of the investigation or a related investigation. However,
26 this subdivision does not require the disclosure of that portion of
27 those investigative files that reflects the analysis or conclusions
28 of the investigating officer.

29 Customer lists provided to a state or local police agency by an
30 alarm or security company at the request of the agency shall be
31 construed to be records subject to this subdivision.

32 Notwithstanding any other provision of this subdivision, state
33 and local law enforcement agencies shall make public the following
34 information, except to the extent that disclosure of a particular
35 item of information would endanger the safety of a person involved
36 in an investigation or would endanger the successful completion
37 of the investigation or a related investigation:

38 (1) The full name and occupation of every individual arrested
39 by the agency, the individual's physical description including date
40 of birth, color of eyes and hair, sex, height and weight, the time

1 and date of arrest, the time and date of booking, the location of
2 the arrest, the factual circumstances surrounding the arrest, the
3 amount of bail set, the time and manner of release or the location
4 where the individual is currently being held, and all charges the
5 individual is being held upon, including any outstanding warrants
6 from other jurisdictions and parole or probation holds.

7 (2) (A) Subject to the restrictions imposed by Section 841.5 of
8 the Penal Code, the time, substance, and location of all complaints
9 or requests for assistance received by the agency and the time and
10 nature of the response thereto, including, to the extent the
11 information regarding crimes alleged or committed or any other
12 incident investigated is recorded, the time, date, and location of
13 occurrence, the time and date of the report, the name and age of
14 the victim, the factual circumstances surrounding the crime or
15 incident, and a general description of any injuries, property, or
16 weapons involved. The name of a victim of any crime defined by
17 Section 220, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b,
18 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286,
19 288, 288a, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7,
20 422.75, 646.9, or 647.6 of the Penal Code may be withheld at the
21 victim's request, or at the request of the victim's parent or guardian
22 if the victim is a minor. When a person is the victim of more than
23 one crime, information disclosing that the person is a victim of a
24 crime defined in any of the sections of the Penal Code set forth in
25 this subdivision may be deleted at the request of the victim, or the
26 victim's parent or guardian if the victim is a minor, in making the
27 report of the crime, or of any crime or incident accompanying the
28 crime, available to the public in compliance with the requirements
29 of this paragraph.

30 (B) Subject to the restrictions imposed by Section 841.5 of the
31 Penal Code, the names and images of a victim of human trafficking,
32 as defined in Section 236.1 of the Penal Code, and of that victim's
33 immediate family, other than a family member who is charged
34 with a criminal offense arising from the same incident, may be
35 withheld at the victim's request until the investigation or any
36 subsequent prosecution is complete. For purposes of this
37 subdivision, "immediate family" shall have the same meaning as
38 that provided in paragraph (3) of subdivision (b) of Section 422.4
39 of the Penal Code.

(3) Subject to the restrictions of Section 841.5 of the Penal Code and this subdivision, the current address of every individual arrested by the agency and the current address of the victim of a crime, if the requester declares under penalty of perjury that the request is made for a scholarly, journalistic, political, or governmental purpose, or that the request is made for investigation purposes by a licensed private investigator as described in Chapter 11.3 (commencing with Section 7512) of Division 3 of the Business and Professions Code. However, the address of the victim of any crime defined by Section 220, 236.1, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the Penal Code shall remain confidential. Address information obtained pursuant to this paragraph shall not be used directly or indirectly, or furnished to another, to sell a product or service to any individual or group of individuals, and the requester shall execute a declaration to that effect under penalty of perjury. This paragraph shall not be construed to prohibit or limit a scholarly, journalistic, political, or government use of address information obtained pursuant to this paragraph.

(g) Test questions, scoring keys, and other examination data used to administer a licensing examination, examination for employment, or academic examination, except as provided for in Chapter 3 (commencing with Section 99150) of Part 65 of Division 14 of Title 3 of the Education Code.

(h) The contents of real estate appraisals or engineering or feasibility estimates and evaluations made for or by the state or local agency relative to the acquisition of property, or to prospective public supply and construction contracts, until all of the property has been acquired or all of the contract agreement obtained. However, the law of eminent domain shall not be affected by this provision.

(i) Information required from any taxpayer in connection with the collection of local taxes that is received in confidence and the disclosure of the information to other persons would result in unfair competitive disadvantage to the person supplying the information.

(j) Library circulation records kept for the purpose of identifying the borrower of items available in libraries, and library and museum materials made or acquired and presented solely for reference or

1 exhibition purposes. The exemption in this subdivision shall not
2 apply to records of fines imposed on the borrowers.

3 (k) Records, the disclosure of which is exempted or prohibited
4 pursuant to federal or state law, including, but not limited to,
5 provisions of the Evidence Code relating to privilege.

6 (l) Correspondence of and to the Governor or employees of the
7 Governor's office or in the custody of or maintained by the
8 Governor's Legal Affairs Secretary. However, public records shall
9 not be transferred to the custody of the Governor's Legal Affairs
10 Secretary to evade the disclosure provisions of this chapter.

11 (m) In the custody of or maintained by the Legislative Counsel,
12 except those records in the public database maintained by the
13 Legislative Counsel that are described in Section 10248.

14 (n) Statements of personal worth or personal financial data
15 required by a licensing agency and filed by an applicant with the
16 licensing agency to establish his or her personal qualification for
17 the license, certificate, or permit applied for.

18 (o) Financial data contained in applications for financing under
19 Division 27 (commencing with Section 44500) of the Health and
20 Safety Code, if an authorized officer of the California Pollution
21 Control Financing Authority determines that disclosure of the
22 financial data would be competitively injurious to the applicant
23 and the data is required in order to obtain guarantees from the
24 United States Small Business Administration. The California
25 Pollution Control Financing Authority shall adopt rules for review
26 of individual requests for confidentiality under this section and for
27 making available to the public those portions of an application that
28 are subject to disclosure under this chapter.

29 (p) Records of state agencies related to activities governed by
30 Chapter 10.3 (commencing with Section 3512), Chapter 10.5
31 (commencing with Section 3525), and Chapter 12 (commencing
32 with Section 3560) of Division 4, that reveal a state agency's
33 deliberative processes, impressions, evaluations, opinions,
34 recommendations, meeting minutes, research, work products,
35 theories, or strategy, or that provide instruction, advice, or training
36 to employees who do not have full collective bargaining and
37 representation rights under these chapters. This subdivision shall
38 not be construed to limit the disclosure duties of a state agency
39 with respect to any other records relating to the activities governed
40 by the employee relations acts referred to in this subdivision.

1 (q) (1) Records of state agencies related to activities governed
2 by Article 2.6 (commencing with Section 14081), Article 2.8
3 (commencing with Section 14087.5), and Article 2.91
4 (commencing with Section 14089) of Chapter 7 of Part 3 of
5 Division 9 of the Welfare and Institutions Code, that reveal the
6 special negotiator's deliberative processes, discussions,
7 communications, or any other portion of the negotiations with
8 providers of health care services, impressions, opinions,
9 recommendations, meeting minutes, research, work product,
10 theories, or strategy, or that provide instruction, advice, or training
11 to employees.

12 (2) Except for the portion of a contract containing the rates of
13 payment, contracts for inpatient services entered into pursuant to
14 these articles, on or after April 1, 1984, shall be open to inspection
15 one year after they are fully executed. If a contract for inpatient
16 services that is entered into prior to April 1, 1984, is amended on
17 or after April 1, 1984, the amendment, except for any portion
18 containing the rates of payment, shall be open to inspection one
19 year after it is fully executed. If the California Medical Assistance
20 Commission enters into contracts with health care providers for
21 other than inpatient hospital services, those contracts shall be open
22 to inspection one year after they are fully executed.

23 (3) Three years after a contract or amendment is open to
24 inspection under this subdivision, the portion of the contract or
25 amendment containing the rates of payment shall be open to
26 inspection.

27 (4) Notwithstanding any other law, the entire contract or
28 amendment shall be open to inspection by the Joint Legislative
29 Audit Committee and the Legislative Analyst's Office. The
30 committee and that office shall maintain the confidentiality of the
31 contracts and amendments until the time a contract or amendment
32 is fully open to inspection by the public.

33 (r) Records of Native American graves, cemeteries, and sacred
34 places and records of Native American places, features, and objects
35 described in Sections 5097.9 and 5097.993 of the Public Resources
36 Code maintained by, or in the possession of, the Native American
37 Heritage Commission, another state agency, or a local agency.

38 (s) A final accreditation report of the Joint Commission on
39 Accreditation of Hospitals that has been transmitted to the State

1 Department of Health Care Services pursuant to subdivision (b)
2 of Section 1282 of the Health and Safety Code.

3 (t) Records of a local hospital district, formed pursuant to
4 Division 23 (commencing with Section 32000) of the Health and
5 Safety Code, or the records of a municipal hospital, formed
6 pursuant to Article 7 (commencing with Section 37600) or Article
7 8 (commencing with Section 37650) of Chapter 5 of Part 2 of
8 Division 3 of Title 4 of this code, that relate to any contract with
9 an insurer or nonprofit hospital service plan for inpatient or
10 outpatient services for alternative rates pursuant to Section 10133
11 of the Insurance Code. However, the record shall be open to
12 inspection within one year after the contract is fully executed.

13 (u) (1) Information contained in applications for licenses to
14 carry firearms issued pursuant to Section 26150, 26155, 26170,
15 or 26215 of the Penal Code by the sheriff of a county or the chief
16 or other head of a municipal police department that indicates when
17 or where the applicant is vulnerable to attack or that concerns the
18 applicant's medical or psychological history or that of members
19 of his or her family.

20 (2) The home address and telephone number of prosecutors,
21 public defenders, peace officers, judges, court commissioners, and
22 magistrates that are set forth in applications for licenses to carry
23 firearms issued pursuant to Section 26150, 26155, 26170, or 26215
24 of the Penal Code by the sheriff of a county or the chief or other
25 head of a municipal police department.

26 (3) The home address and telephone number of prosecutors,
27 public defenders, peace officers, judges, court commissioners, and
28 magistrates that are set forth in licenses to carry firearms issued
29 pursuant to Section 26150, 26155, 26170, or 26215 of the Penal
30 Code by the sheriff of a county or the chief or other head of a
31 municipal police department.

32 (v) (1) Records of the Managed Risk Medical Insurance Board
33 and the State Department of Health Care Services related to
34 activities governed by Part 6.3 (commencing with Section 12695),
35 Part 6.5 (commencing with Section 12700), Part 6.6 (commencing
36 with Section 12739.5), or Part 6.7 (commencing with Section
37 12739.70) of Division 2 of the Insurance Code, or Chapter 2
38 (commencing with Section 15810) or Chapter 4 (commencing with
39 Section 15870) of Part 3.3 of Division 9 of the Welfare and
40 Institutions Code, and that reveal any of the following:

1 (A) The deliberative processes, discussions, communications,
2 or any other portion of the negotiations with entities contracting
3 or seeking to contract with the board or the department, entities
4 with which the board or the department is considering a contract,
5 or entities with which the board or department is considering or
6 enters into any other arrangement under which the board or the
7 department provides, receives, or arranges services or
8 reimbursement.

9 (B) The impressions, opinions, recommendations, meeting
10 minutes, research, work product, theories, or strategy of the board
11 or its staff or the department or its staff, or records that provide
12 instructions, advice, or training to their employees.

13 (2) (A) Except for the portion of a contract that contains the
14 rates of payment, contracts entered into pursuant to Part 6.3
15 (commencing with Section 12695), Part 6.5 (commencing with
16 Section 12700), Part 6.6 (commencing with Section 12739.5), or
17 Part 6.7 (commencing with Section 12739.70) of Division 2 of the
18 Insurance Code, or Chapter 2 (commencing with Section 15810)
19 or Chapter 4 (commencing with Section 15870) of Part 3.3 of
20 Division 9 of the Welfare and Institutions Code, on or after July
21 1, 1991, shall be open to inspection one year after their effective
22 dates.

23 (B) If a contract that is entered into prior to July 1, 1991, is
24 amended on or after July 1, 1991, the amendment, except for any
25 portion containing the rates of payment, shall be open to inspection
26 one year after the effective date of the amendment.

27 (3) Three years after a contract or amendment is open to
28 inspection pursuant to this subdivision, the portion of the contract
29 or amendment containing the rates of payment shall be open to
30 inspection.

31 (4) Notwithstanding any other law, the entire contract or
32 amendments to a contract shall be open to inspection by the Joint
33 Legislative Audit Committee. The committee shall maintain the
34 confidentiality of the contracts and amendments thereto, until the
35 contracts or amendments to the contracts are open to inspection
36 pursuant to paragraph (3).

37 (w) (1) Records of the Managed Risk Medical Insurance Board
38 related to activities governed by Chapter 8 (commencing with
39 Section 10700) of Part 2 of Division 2 of the Insurance Code, and
40 that reveal the deliberative processes, discussions, communications,

1 or any other portion of the negotiations with health plans, or the
2 impressions, opinions, recommendations, meeting minutes,
3 research, work product, theories, or strategy of the board or its
4 staff, or records that provide instructions, advice, or training to
5 employees.

6 (2) Except for the portion of a contract that contains the rates
7 of payment, contracts for health coverage entered into pursuant to
8 Chapter 8 (commencing with Section 10700) of Part 2 of Division
9 2 of the Insurance Code, on or after January 1, 1993, shall be open
10 to inspection one year after they have been fully executed.

11 (3) Notwithstanding any other law, the entire contract or
12 amendments to a contract shall be open to inspection by the Joint
13 Legislative Audit Committee. The committee shall maintain the
14 confidentiality of the contracts and amendments thereto, until the
15 contracts or amendments to the contracts are open to inspection
16 pursuant to paragraph (2).

17 (x) Financial data contained in applications for registration, or
18 registration renewal, as a service contractor filed with the Director
19 of Consumer Affairs pursuant to Chapter 20 (commencing with
20 Section 9800) of Division 3 of the Business and Professions Code,
21 for the purpose of establishing the service contractor's net worth,
22 or financial data regarding the funded accounts held in escrow for
23 service contracts held in force in this state by a service contractor.

24 (y) (1) Records of the Managed Risk Medical Insurance Board
25 and the State Department of Health Care Services related to
26 activities governed by Part 6.2 (commencing with Section 12693)
27 or Part 6.4 (commencing with Section 12699.50) of Division 2 of
28 the Insurance Code or Sections 14005.26 and 14005.27 of, or
29 Chapter 3 (commencing with Section 15850) of Part 3.3 of Division
30 9 of, the Welfare and Institutions Code, if the records reveal any
31 of the following:

32 (A) The deliberative processes, discussions, communications,
33 or any other portion of the negotiations with entities contracting
34 or seeking to contract with the board or the department, entities
35 with which the board or department is considering a contract, or
36 entities with which the board or department is considering or enters
37 into any other arrangement under which the board or department
38 provides, receives, or arranges services or reimbursement.

39 (B) The impressions, opinions, recommendations, meeting
40 minutes, research, work product, theories, or strategy of the board

1 or its staff, or the department or its staff, or records that provide
2 instructions, advice, or training to employees.

3 (2) (A) Except for the portion of a contract that contains the
4 rates of payment, contracts entered into pursuant to Part 6.2
5 (commencing with Section 12693) or Part 6.4 (commencing with
6 Section 12699.50) of Division 2 of the Insurance Code, on or after
7 January 1, 1998, or Sections 14005.26 and 14005.27 of, or Chapter
8 3 (commencing with Section 15850) of Part 3.3 of Division 9 of,
9 the Welfare and Institutions Code shall be open to inspection one
10 year after their effective dates.

11 (B) If a contract entered into pursuant to Part 6.2 (commencing
12 with Section 12693) or Part 6.4 (commencing with Section
13 12699.50) of Division 2 of the Insurance Code or Sections
14 14005.26 and 14005.27 of, or Chapter 3 (commencing with Section
15 15850) of Part 3.3 of Division 9 of, the Welfare and Institutions
16 Code, is amended, the amendment shall be open to inspection one
17 year after the effective date of the amendment.

18 (3) Three years after a contract or amendment is open to
19 inspection pursuant to this subdivision, the portion of the contract
20 or amendment containing the rates of payment shall be open to
21 inspection.

22 (4) Notwithstanding any other law, the entire contract or
23 amendments to a contract shall be open to inspection by the Joint
24 Legislative Audit Committee. The committee shall maintain the
25 confidentiality of the contracts and amendments thereto until the
26 contract or amendments to a contract are open to inspection
27 pursuant to paragraph (2) or (3).

28 (5) The exemption from disclosure provided pursuant to this
29 subdivision for the contracts, deliberative processes, discussions,
30 communications, negotiations, impressions, opinions,
31 recommendations, meeting minutes, research, work product,
32 theories, or strategy of the board or its staff, or the department or
33 its staff, shall also apply to the contracts, deliberative processes,
34 discussions, communications, negotiations, impressions, opinions,
35 recommendations, meeting minutes, research, work product,
36 theories, or strategy of applicants pursuant to Part 6.4 (commencing
37 with Section 12699.50) of Division 2 of the Insurance Code or
38 Chapter 3 (commencing with Section 15850) of Part 3.3 of Division
39 9 of the Welfare and Institutions Code.

1 (z) Records obtained pursuant to paragraph (2) of subdivision
2 (f) of Section 2891.1 of the Public Utilities Code.

3 (aa) A document prepared by or for a state or local agency that
4 assesses its vulnerability to terrorist attack or other criminal acts
5 intended to disrupt the public agency's operations and that is for
6 distribution or consideration in a closed session.

7 (ab) Critical infrastructure information, as defined in Section
8 131(3) of Title 6 of the United States Code, that is voluntarily
9 submitted to the Office of Emergency Services for use by that
10 office, including the identity of the person who or entity that
11 voluntarily submitted the information. As used in this subdivision,
12 "voluntarily submitted" means submitted in the absence of the
13 office exercising any legal authority to compel access to or
14 submission of critical infrastructure information. This subdivision
15 shall not affect the status of information in the possession of any
16 other state or local governmental agency.

17 (ac) All information provided to the Secretary of State by a
18 person for the purpose of registration in the Advance Health Care
19 Directive Registry, except that those records shall be released at
20 the request of a health care provider, a public guardian, or the
21 registrant's legal representative.

22 (ad) The following records of the State Compensation Insurance
23 Fund:

24 (1) Records related to claims pursuant to Chapter 1
25 (commencing with Section 3200) of Division 4 of the Labor Code,
26 to the extent that confidential medical information or other
27 individually identifiable information would be disclosed.

28 (2) Records related to the discussions, communications, or any
29 other portion of the negotiations with entities contracting or seeking
30 to contract with the fund, and any related deliberations.

31 (3) Records related to the impressions, opinions,
32 recommendations, meeting minutes of meetings or sessions that
33 are lawfully closed to the public, research, work product, theories,
34 or strategy of the fund or its staff, on the development of rates,
35 contracting strategy, underwriting, or competitive strategy pursuant
36 to the powers granted to the fund in Chapter 4 (commencing with
37 Section 11770) of Part 3 of Division 2 of the Insurance Code.

38 (4) Records obtained to provide workers' compensation
39 insurance under Chapter 4 (commencing with Section 11770) of
40 Part 3 of Division 2 of the Insurance Code, including, but not

1 limited to, any medical claims information, policyholder
2 information provided that nothing in this paragraph shall be
3 interpreted to prevent an insurance agent or broker from obtaining
4 proprietary information or other information authorized by law to
5 be obtained by the agent or broker, and information on rates,
6 pricing, and claims handling received from brokers.

7 (5) (A) Records that are trade secrets pursuant to Section
8 6276.44, or Article 11 (commencing with Section 1060) of Chapter
9 4 of Division 8 of the Evidence Code, including without limitation,
10 instructions, advice, or training provided by the State Compensation
11 Insurance Fund to its board members, officers, and employees
12 regarding the fund's special investigation unit, internal audit unit,
13 and informational security, marketing, rating, pricing, underwriting,
14 claims handling, audits, and collections.

15 (B) Notwithstanding subparagraph (A), the portions of records
16 containing trade secrets shall be available for review by the Joint
17 Legislative Audit Committee, California State Auditor's Office,
18 Division of Workers' Compensation, and the Department of
19 Insurance to ensure compliance with applicable law.

20 (6) (A) Internal audits containing proprietary information and
21 the following records that are related to an internal audit:

22 (i) Personal papers and correspondence of any person providing
23 assistance to the fund when that person has requested in writing
24 that his or her papers and correspondence be kept private and
25 confidential. Those papers and correspondence shall become public
26 records if the written request is withdrawn, or upon order of the
27 fund.

28 (ii) Papers, correspondence, memoranda, or any substantive
29 information pertaining to any audit not completed or an internal
30 audit that contains proprietary information.

31 (B) Notwithstanding subparagraph (A), the portions of records
32 containing proprietary information, or any information specified
33 in subparagraph (A) shall be available for review by the Joint
34 Legislative Audit Committee, California State Auditor's Office,
35 Division of Workers' Compensation, and the Department of
36 Insurance to ensure compliance with applicable law.

37 (7) (A) Except as provided in subparagraph (C), contracts
38 entered into pursuant to Chapter 4 (commencing with Section
39 11770) of Part 3 of Division 2 of the Insurance Code shall be open
40 to inspection one year after the contract has been fully executed.

1 (B) If a contract entered into pursuant to Chapter 4 (commencing
2 with Section 11770) of Part 3 of Division 2 of the Insurance Code
3 is amended, the amendment shall be open to inspection one year
4 after the amendment has been fully executed.

5 (C) Three years after a contract or amendment is open to
6 inspection pursuant to this subdivision, the portion of the contract
7 or amendment containing the rates of payment shall be open to
8 inspection.

9 (D) Notwithstanding any other law, the entire contract or
10 amendments to a contract shall be open to inspection by the Joint
11 Legislative Audit Committee. The committee shall maintain the
12 confidentiality of the contracts and amendments thereto until the
13 contract or amendments to a contract are open to inspection
14 pursuant to this paragraph.

15 (E) This paragraph is not intended to apply to documents related
16 to contracts with public entities that are not otherwise expressly
17 confidential as to that public entity.

18 (F) For purposes of this paragraph, “fully executed” means the
19 point in time when all of the necessary parties to the contract have
20 signed the contract.

21 This section does not prevent any agency from opening its
22 records concerning the administration of the agency to public
23 inspection, unless disclosure is otherwise prohibited by law.

24 This section does not prevent any health facility from disclosing
25 to a certified bargaining agent relevant financing information
26 pursuant to Section 8 of the National Labor Relations Act (29
27 U.S.C. Sec. 158).

28 ~~SEC. 1.5. Section 6254 of the Government Code is amended~~
29 ~~to read:~~

30 ~~6254. Except as provided in Sections 6254.7 and 6254.13, this~~
31 ~~chapter does not require the disclosure of any of the following~~
32 ~~records:~~

33 ~~(a) Preliminary drafts, notes, or interagency or intra-agency~~
34 ~~memoranda that are not retained by the public agency in the~~
35 ~~ordinary course of business, if the public interest in withholding~~
36 ~~those records clearly outweighs the public interest in disclosure.~~

37 ~~(b) Records pertaining to pending litigation to which the public~~
38 ~~agency is a party, or to claims made pursuant to Division 3.6~~
39 ~~(commencing with Section 810), until the pending litigation or~~
40 ~~claim has been finally adjudicated or otherwise settled.~~

1 ~~(e) Personnel, medical, or similar files, the disclosure of which~~
2 ~~would constitute an unwarranted invasion of personal privacy.~~

3 ~~(d) Records contained in or related to any of the following:~~

4 ~~(1) Applications filed with any state agency responsible for the~~
5 ~~regulation or supervision of the issuance of securities or of financial~~
6 ~~institutions, including, but not limited to, banks, savings and loan~~
7 ~~associations, industrial loan companies, credit unions, and~~
8 ~~insurance companies.~~

9 ~~(2) Examination, operating, or condition reports prepared by,~~
10 ~~on behalf of, or for the use of, any state agency referred to in~~
11 ~~paragraph (1).~~

12 ~~(3) Preliminary drafts, notes, or interagency or intra-agency~~
13 ~~communications prepared by, on behalf of, or for the use of, any~~
14 ~~state agency referred to in paragraph (1).~~

15 ~~(4) Information received in confidence by any state agency~~
16 ~~referred to in paragraph (1).~~

17 ~~(e) Geological and geophysical data, plant production data, and~~
18 ~~similar information relating to utility systems development, or~~
19 ~~market or crop reports, that are obtained in confidence from any~~
20 ~~person.~~

21 ~~(f) (1) Records of complaints to, or investigations conducted~~
22 ~~by, or records of intelligence information or security procedures~~
23 ~~of, the office of the Attorney General and the Department of~~
24 ~~Justice, the Office of Emergency Services and any state or local~~
25 ~~police agency, or any investigatory or security files compiled by~~
26 ~~any other state or local police agency, or any investigatory or~~
27 ~~security files compiled by any other state or local agency for~~
28 ~~correctional, law enforcement, or licensing purposes. However,~~
29 ~~this subdivision does not require the disclosure of that portion of~~
30 ~~those investigative files that reflects the analysis or conclusions~~
31 ~~of the investigating officer.~~

32 ~~(2) Notwithstanding paragraph (1), state and local law~~
33 ~~enforcement agencies shall disclose the following:~~

34 ~~(A) The names and addresses of persons involved in, or~~
35 ~~witnesses other than confidential informants to, the incident, the~~
36 ~~description of any property involved, the date, time, and location~~
37 ~~of the incident, all diagrams, statements of the parties involved in~~
38 ~~the incident, the statements of all witnesses, other than confidential~~
39 ~~informants, to the victims of an incident, or an authorized~~
40 ~~representative thereof, an insurance carrier against which a claim~~

1 has been or might be made, and any person suffering bodily injury
2 or property damage or loss, as the result of the incident caused by
3 arson, burglary, fire, explosion, larceny, robbery, carjacking,
4 vandalism, vehicle theft, or a crime as defined by subdivision (b)
5 of Section 13951, unless the disclosure would endanger the safety
6 of a witness, a victim, or any other person involved in the
7 investigation, or unless disclosure would endanger the successful
8 completion of the investigation or a related investigation:

9 (B) Except to the extent that disclosure of a particular item of
10 information would endanger the safety of a person involved in an
11 investigation or would endanger the successful completion of the
12 investigation or a related investigation:

13 (i) The full name and occupation of every individual arrested
14 by the agency, the individual's physical description including date
15 of birth, color of eyes and hair, sex, height and weight, the time
16 and date of arrest, the time and date of booking, the location of
17 the arrest, the factual circumstances surrounding the arrest, the
18 amount of bail set, the time and manner of release or the location
19 where the individual is currently being held, and all charges the
20 individual is being held upon, including any outstanding warrants
21 from other jurisdictions and parole or probation holds:

22 (ii) (I) Subject to the restrictions imposed by Section 841.5 of
23 the Penal Code, the time, substance, and location of all complaints
24 or requests for assistance received by the agency and the time and
25 nature of the response thereto, including, to the extent the
26 information regarding crimes alleged or committed or any other
27 incident investigated is recorded, the time, date, and location of
28 occurrence, the time and date of the report, the name and age of
29 the victim, the factual circumstances surrounding the crime or
30 incident, and a general description of any injuries, property, or
31 weapons involved. The name of a victim of any crime defined by
32 Section 220, 261, 261.5, 262, 264, 264.1, 265, 266, 266a, 266b,
33 266c, 266e, 266f, 266j, 267, 269, 273a, 273d, 273.5, 285, 286,
34 288, 288a, 288.2, 288.3, 288.4, 288.5, 288.7, 289, 422.6, 422.7,
35 422.75, 646.9, or 647.6 of the Penal Code may be withheld at the
36 victim's request, or at the request of the victim's parent or guardian
37 if the victim is a minor. When a person is the victim of more than
38 one crime, information disclosing that the person is a victim of a
39 crime defined in any of the sections of the Penal Code set forth in
40 this subdivision may be deleted at the request of the victim, or the

1 victim's parent or guardian if the victim is a minor, in making the
2 report of the crime, or of any crime or incident accompanying the
3 crime, available to the public in compliance with the requirements
4 of this clause.

5 (H) Subject to the restrictions imposed by Section 841.5 of the
6 Penal Code, the names and images of a victim of human trafficking,
7 as defined in Section 236.1 of the Penal Code, and of that victim's
8 immediate family, other than a family member who is charged
9 with a criminal offense arising from the same incident, may be
10 withheld at the victim's request until the investigation or any
11 subsequent prosecution is complete. For purposes of this
12 subdivision, "immediate family" shall have the same meaning as
13 that provided in paragraph (3) of subdivision (b) of Section 422.4
14 of the Penal Code.

15 (iii) Subject to the restrictions of Section 841.5 of the Penal
16 Code and this subdivision, the current address of every individual
17 arrested by the agency and the current address of the victim of a
18 crime, if the requester declares under penalty of perjury that the
19 request is made for a scholarly, journalistic, political, or
20 governmental purpose, or that the request is made for investigation
21 purposes by a licensed private investigator as described in Chapter
22 11.3 (commencing with Section 7512) of Division 3 of the Business
23 and Professions Code. However, the address of the victim of any
24 crime defined by Section 220, 236.1, 261, 261.5, 262, 264, 264.1,
25 265, 266, 266a, 266b, 266c, 266e, 266f, 266j, 267, 269, 273a,
26 273d, 273.5, 285, 286, 288, 288a, 288.2, 288.3, 288.4, 288.5, 288.7,
27 289, 422.6, 422.7, 422.75, 646.9, or 647.6 of the Penal Code shall
28 remain confidential. Address information obtained pursuant to this
29 subclause shall not be used directly or indirectly, or furnished to
30 another, to sell a product or service to any individual or group of
31 individuals, and the requester shall execute a declaration to that
32 effect under penalty of perjury. This subclause shall not be
33 construed to prohibit or limit a scholarly, journalistic, political, or
34 government use of address information obtained pursuant to this
35 subclause.

36 (3) Any visual or audio recording of another that depicts death
37 or serious bodily injury in such a morbid and sensational manner
38 that the content is highly offensive to a reasonable person and any
39 public interest or law enforcement purpose for disclosure is clearly
40 outweighed by the public interest in nondisclosure.

1 ~~(4) Any visual or audio recording of the death of a peace officer~~
2 ~~being killed in the line of duty, unless authorized to be released~~
3 ~~by the officer's immediate family.~~

4 ~~(5) Notwithstanding any other provision of this subdivision, the~~
5 ~~state and local law enforcement agency shall disclose a copy of a~~
6 ~~visual or audio recording if the portion of the recording that meets~~
7 ~~the criteria of paragraph (3) or (4) can be redacted from the~~
8 ~~recording.~~

9 ~~(6) For purposes of this subdivision, the following definitions~~
10 ~~shall apply:~~

11 ~~(A) "Records" include, but are not limited to, a visual recording~~
12 ~~and a customer list provided to a state or local police agency by~~
13 ~~an alarm or security company at the request of the agency.~~

14 ~~(B) "Visual or audio recording" means any photography, film,~~
15 ~~videotape, audio recording, or other visual or audio reproduction.~~

16 ~~(g) Test questions, scoring keys, and other examination data~~
17 ~~used to administer a licensing examination, examination for~~
18 ~~employment, or academic examination, except as provided for in~~
19 ~~Chapter 3 (commencing with Section 99150) of Part 65 of Division~~
20 ~~14 of Title 3 of the Education Code.~~

21 ~~(h) The contents of real estate appraisals or engineering or~~
22 ~~feasibility estimates and evaluations made for or by the state or~~
23 ~~local agency relative to the acquisition of property, or to~~
24 ~~prospective public supply and construction contracts, until all of~~
25 ~~the property has been acquired or all of the contract agreement~~
26 ~~obtained. However, the law of eminent domain shall not be affected~~
27 ~~by this provision.~~

28 ~~(i) Information required from any taxpayer in connection with~~
29 ~~the collection of local taxes that is received in confidence and the~~
30 ~~disclosure of the information to other persons would result in unfair~~
31 ~~competitive disadvantage to the person supplying the information.~~

32 ~~(j) Library circulation records kept for the purpose of identifying~~
33 ~~the borrower of items available in libraries, and library and museum~~
34 ~~materials made or acquired and presented solely for reference or~~
35 ~~exhibition purposes. The exemption in this subdivision shall not~~
36 ~~apply to records of fines imposed on the borrowers.~~

37 ~~(k) Records, the disclosure of which is exempted or prohibited~~
38 ~~pursuant to federal or state law, including, but not limited to,~~
39 ~~provisions of the Evidence Code relating to privilege.~~

1 ~~(l) Correspondence of and to the Governor or employees of the~~
2 ~~Governor's office or in the custody of or maintained by the~~
3 ~~Governor's Legal Affairs Secretary. However, public records shall~~
4 ~~not be transferred to the custody of the Governor's Legal Affairs~~
5 ~~Secretary to evade the disclosure provisions of this chapter.~~

6 ~~(m) In the custody of or maintained by the Legislative Counsel,~~
7 ~~except those records in the public database maintained by the~~
8 ~~Legislative Counsel that are described in Section 10248.~~

9 ~~(n) Statements of personal worth or personal financial data~~
10 ~~required by a licensing agency and filed by an applicant with the~~
11 ~~licensing agency to establish his or her personal qualification for~~
12 ~~the license, certificate, or permit applied for.~~

13 ~~(o) Financial data contained in applications for financing under~~
14 ~~Division 27 (commencing with Section 44500) of the Health and~~
15 ~~Safety Code, if an authorized officer of the California Pollution~~
16 ~~Control Financing Authority determines that disclosure of the~~
17 ~~financial data would be competitively injurious to the applicant~~
18 ~~and the data is required in order to obtain guarantees from the~~
19 ~~United States Small Business Administration. The California~~
20 ~~Pollution Control Financing Authority shall adopt rules for review~~
21 ~~of individual requests for confidentiality under this section and for~~
22 ~~making available to the public those portions of an application that~~
23 ~~are subject to disclosure under this chapter.~~

24 ~~(p) Records of state agencies related to activities governed by~~
25 ~~Chapter 10.3 (commencing with Section 3512), Chapter 10.5~~
26 ~~(commencing with Section 3525), and Chapter 12 (commencing~~
27 ~~with Section 3560) of Division 4, that reveal a state agency's~~
28 ~~deliberative processes, impressions, evaluations, opinions,~~
29 ~~recommendations, meeting minutes, research, work products,~~
30 ~~theories, or strategy, or that provide instruction, advice, or training~~
31 ~~to employees who do not have full collective bargaining and~~
32 ~~representation rights under these chapters. This subdivision shall~~
33 ~~not be construed to limit the disclosure duties of a state agency~~
34 ~~with respect to any other records relating to the activities governed~~
35 ~~by the employee relations acts referred to in this subdivision.~~

36 ~~(q) (1) Records of state agencies related to activities governed~~
37 ~~by Article 2.6 (commencing with Section 14081), Article 2.8~~
38 ~~(commencing with Section 14087.5), and Article 2.91~~
39 ~~(commencing with Section 14089) of Chapter 7 of Part 3 of~~
40 ~~Division 9 of the Welfare and Institutions Code, that reveal the~~

1 special negotiator's deliberative processes, discussions,
2 communications, or any other portion of the negotiations with
3 providers of health care services, impressions, opinions,
4 recommendations, meeting minutes, research, work product,
5 theories, or strategy, or that provide instruction, advice, or training
6 to employees.

7 (2) Except for the portion of a contract containing the rates of
8 payment, contracts for inpatient services entered into pursuant to
9 these articles, on or after April 1, 1984, shall be open to inspection
10 one year after they are fully executed. If a contract for inpatient
11 services that is entered into prior to April 1, 1984, is amended on
12 or after April 1, 1984, the amendment, except for any portion
13 containing the rates of payment, shall be open to inspection one
14 year after it is fully executed. If the California Medical Assistance
15 Commission enters into contracts with health care providers for
16 other than inpatient hospital services, those contracts shall be open
17 to inspection one year after they are fully executed.

18 (3) Three years after a contract or amendment is open to
19 inspection under this subdivision, the portion of the contract or
20 amendment containing the rates of payment shall be open to
21 inspection.

22 (4) Notwithstanding any other law, the entire contract or
23 amendment shall be open to inspection by the Joint Legislative
24 Audit Committee and the Legislative Analyst's Office. The
25 committee and that office shall maintain the confidentiality of the
26 contracts and amendments until the time a contract or amendment
27 is fully open to inspection by the public.

28 (r) Records of Native American graves, cemeteries, and sacred
29 places and records of Native American places, features, and objects
30 described in Sections 5097.9 and 5097.993 of the Public Resources
31 Code maintained by, or in the possession of, the Native American
32 Heritage Commission, another state agency, or a local agency.

33 (s) A final accreditation report of the Joint Commission on
34 Accreditation of Hospitals that has been transmitted to the State
35 Department of Health Care Services pursuant to subdivision (b)
36 of Section 1282 of the Health and Safety Code.

37 (t) Records of a local hospital district, formed pursuant to
38 Division 23 (commencing with Section 32000) of the Health and
39 Safety Code, or the records of a municipal hospital, formed
40 pursuant to Article 7 (commencing with Section 37600) or Article

1 ~~8 (commencing with Section 37650) of Chapter 5 of Part 2 of~~
2 ~~Division 3 of Title 4 of this code, that relate to any contract with~~
3 ~~an insurer or nonprofit hospital service plan for inpatient or~~
4 ~~outpatient services for alternative rates pursuant to Section 10133~~
5 ~~of the Insurance Code. However, the record shall be open to~~
6 ~~inspection within one year after the contract is fully executed.~~

7 ~~(u) (1) Information contained in applications for licenses to~~
8 ~~carry firearms issued pursuant to Section 26150, 26155, 26170,~~
9 ~~or 26215 of the Penal Code by the sheriff of a county or the chief~~
10 ~~or other head of a municipal police department that indicates when~~
11 ~~or where the applicant is vulnerable to attack or that concerns the~~
12 ~~applicant's medical or psychological history or that of members~~
13 ~~of his or her family.~~

14 ~~(2) The home address and telephone number of prosecutors,~~
15 ~~public defenders, peace officers, judges, court commissioners, and~~
16 ~~magistrates that are set forth in applications for licenses to carry~~
17 ~~firearms issued pursuant to Section 26150, 26155, 26170, or 26215~~
18 ~~of the Penal Code by the sheriff of a county or the chief or other~~
19 ~~head of a municipal police department.~~

20 ~~(3) The home address and telephone number of prosecutors,~~
21 ~~public defenders, peace officers, judges, court commissioners, and~~
22 ~~magistrates that are set forth in licenses to carry firearms issued~~
23 ~~pursuant to Section 26150, 26155, 26170, or 26215 of the Penal~~
24 ~~Code by the sheriff of a county or the chief or other head of a~~
25 ~~municipal police department.~~

26 ~~(v) (1) Records of the Managed Risk Medical Insurance Board~~
27 ~~and the State Department of Health Care Services related to~~
28 ~~activities governed by Part 6.6 (commencing with Section~~
29 ~~12739.5), or Part 6.7 (commencing with Section 12739.70) of~~
30 ~~Division 2 of the Insurance Code, or Chapter 2 (commencing with~~
31 ~~Section 15810) or Chapter 4 (commencing with Section 15870)~~
32 ~~of Part 3.3 of Division 9 of the Welfare and Institutions Code, and~~
33 ~~that reveal any of the following:~~

34 ~~(A) The deliberative processes, discussions, communications,~~
35 ~~or any other portion of the negotiations with entities contracting~~
36 ~~or seeking to contract with the board or the department, entities~~
37 ~~with which the board or the department is considering a contract,~~
38 ~~or entities with which the board or department is considering or~~
39 ~~enters into any other arrangement under which the board or the~~

1 department provides, receives, or arranges services or
2 reimbursement.

3 (B) The impressions, opinions, recommendations, meeting
4 minutes, research, work product, theories, or strategy of the board
5 or its staff or the department or its staff, or records that provide
6 instructions, advice, or training to their employees.

7 (2) (A) Except for the portion of a contract that contains the
8 rates of payment, contracts entered into pursuant to Part 6.6
9 (commencing with Section 12739.5), or Part 6.7 (commencing
10 with Section 12739.70) of Division 2 of the Insurance Code, or
11 Chapter 2 (commencing with Section 15810) or Chapter 4
12 (commencing with Section 15870) of Part 3.3 of Division 9 of the
13 Welfare and Institutions Code, on or after July 1, 1991, shall be
14 open to inspection one year after their effective dates.

15 (B) If a contract that is entered into prior to July 1, 1991, is
16 amended on or after July 1, 1991, the amendment, except for any
17 portion containing the rates of payment, shall be open to inspection
18 one year after the effective date of the amendment.

19 (3) Three years after a contract or amendment is open to
20 inspection pursuant to this subdivision, the portion of the contract
21 or amendment containing the rates of payment shall be open to
22 inspection.

23 (4) Notwithstanding any other law, the entire contract or
24 amendments to a contract shall be open to inspection by the Joint
25 Legislative Audit Committee. The committee shall maintain the
26 confidentiality of the contracts and amendments thereto, until the
27 contracts or amendments to the contracts are open to inspection
28 pursuant to paragraph (3).

29 (w) (1) Records of the Managed Risk Medical Insurance Board
30 related to activities governed by Chapter 8 (commencing with
31 Section 10700) of Part 2 of Division 2 of the Insurance Code, and
32 that reveal the deliberative processes, discussions, communications,
33 or any other portion of the negotiations with health plans, or the
34 impressions, opinions, recommendations, meeting minutes,
35 research, work product, theories, or strategy of the board or its
36 staff, or records that provide instructions, advice, or training to
37 employees.

38 (2) Except for the portion of a contract that contains the rates
39 of payment, contracts for health coverage entered into pursuant to
40 Chapter 8 (commencing with Section 10700) of Part 2 of Division

1 2 of the Insurance Code, on or after January 1, 1993, shall be open
2 to inspection one year after they have been fully executed.

3 ~~(3) Notwithstanding any other law, the entire contract or~~
4 ~~amendments to a contract shall be open to inspection by the Joint~~
5 ~~Legislative Audit Committee. The committee shall maintain the~~
6 ~~confidentiality of the contracts and amendments thereto, until the~~
7 ~~contracts or amendments to the contracts are open to inspection~~
8 ~~pursuant to paragraph (2).~~

9 ~~(x) Financial data contained in applications for registration, or~~
10 ~~registration renewal, as a service contractor filed with the Director~~
11 ~~of Consumer Affairs pursuant to Chapter 20 (commencing with~~
12 ~~Section 9800) of Division 3 of the Business and Professions Code,~~
13 ~~for the purpose of establishing the service contractor's net worth,~~
14 ~~or financial data regarding the funded accounts held in escrow for~~
15 ~~service contracts held in force in this state by a service contractor.~~

16 ~~(y) (1) Records of the Managed Risk Medical Insurance Board~~
17 ~~and the State Department of Health Care Services related to~~
18 ~~activities governed by Part 6.2 (commencing with Section 12693)~~
19 ~~of Division 2 of the Insurance Code or Sections 14005.26 and~~
20 ~~14005.27 of, or Chapter 3 (commencing with Section 15850) of~~
21 ~~Part 3.3 of Division 9 of, the Welfare and Institutions Code, if the~~
22 ~~records reveal any of the following:~~

23 ~~(A) The deliberative processes, discussions, communications,~~
24 ~~or any other portion of the negotiations with entities contracting~~
25 ~~or seeking to contract with the board or the department, entities~~
26 ~~with which the board or department is considering a contract, or~~
27 ~~entities with which the board or department is considering or enters~~
28 ~~into any other arrangement under which the board or department~~
29 ~~provides, receives, or arranges services or reimbursement.~~

30 ~~(B) The impressions, opinions, recommendations, meeting~~
31 ~~minutes, research, work product, theories, or strategy of the board~~
32 ~~or its staff, or the department or its staff, or records that provide~~
33 ~~instructions, advice, or training to employees.~~

34 ~~(2) (A) Except for the portion of a contract that contains the~~
35 ~~rates of payment, contracts entered into pursuant to Part 6.2~~
36 ~~(commencing with Section 12693) of Division 2 of the Insurance~~
37 ~~Code, on or after January 1, 1998, or Sections 14005.26 and~~
38 ~~14005.27 of, or Chapter 3 (commencing with Section 15850) of~~
39 ~~Part 3.3 of Division 9 of, the Welfare and Institutions Code shall~~
40 ~~be open to inspection one year after their effective dates.~~

1 ~~(B) If a contract entered into pursuant to Part 6.2 (commencing~~
2 ~~with Section 12693) of Division 2 of the Insurance Code or~~
3 ~~Sections 14005.26 and 14005.27 of, or Chapter 3 (commencing~~
4 ~~with Section 15850) of Part 3.3 of Division 9 of, the Welfare and~~
5 ~~Institutions Code, is amended, the amendment shall be open to~~
6 ~~inspection one year after the effective date of the amendment.~~

7 ~~(3) Three years after a contract or amendment is open to~~
8 ~~inspection pursuant to this subdivision, the portion of the contract~~
9 ~~or amendment containing the rates of payment shall be open to~~
10 ~~inspection.~~

11 ~~(4) Notwithstanding any other law, the entire contract or~~
12 ~~amendments to a contract shall be open to inspection by the Joint~~
13 ~~Legislative Audit Committee. The committee shall maintain the~~
14 ~~confidentiality of the contracts and amendments thereto until the~~
15 ~~contract or amendments to a contract are open to inspection~~
16 ~~pursuant to paragraph (2) or (3).~~

17 ~~(5) The exemption from disclosure provided pursuant to this~~
18 ~~subdivision for the contracts, deliberative processes, discussions,~~
19 ~~communications, — negotiations, — impressions, — opinions,~~
20 ~~recommendations, meeting minutes, research, work product,~~
21 ~~theories, or strategy of the board or its staff, or the department or~~
22 ~~its staff, shall also apply to the contracts, deliberative processes,~~
23 ~~discussions, communications, negotiations, impressions, opinions,~~
24 ~~recommendations, meeting minutes, research, work product,~~
25 ~~theories, or strategy of applicants pursuant to of Division 2 of the~~
26 ~~Insurance Code or Chapter 3 (commencing with Section 15850)~~
27 ~~of Part 3.3 of Division 9 of the Welfare and Institutions Code.~~

28 ~~(z) Records obtained pursuant to paragraph (2) of subdivision~~
29 ~~(f) of Section 2891.1 of the Public Utilities Code.~~

30 ~~(aa) A document prepared by or for a state or local agency that~~
31 ~~assesses its vulnerability to terrorist attack or other criminal acts~~
32 ~~intended to disrupt the public agency's operations and that is for~~
33 ~~distribution or consideration in a closed session.~~

34 ~~(ab) Critical infrastructure information, as defined in Section~~
35 ~~131(3) of Title 6 of the United States Code, that is voluntarily~~
36 ~~submitted to the Office of Emergency Services for use by that~~
37 ~~office, including the identity of the person who or entity that~~
38 ~~voluntarily submitted the information. As used in this subdivision,~~
39 ~~“voluntarily submitted” means submitted in the absence of the~~
40 ~~office exercising any legal authority to compel access to or~~

1 submission of critical infrastructure information. This subdivision
2 shall not affect the status of information in the possession of any
3 other state or local governmental agency.

4 ~~(ac) All information provided to the Secretary of State by a~~
5 ~~person for the purpose of registration in the Advance Health Care~~
6 ~~Directive Registry, except that those records shall be released at~~
7 ~~the request of a health care provider, a public guardian, or the~~
8 ~~registrant's legal representative.~~

9 ~~(ad) The following records of the State Compensation Insurance~~
10 ~~Fund:~~

11 ~~(1) Records related to claims pursuant to Chapter 1~~
12 ~~(commencing with Section 3200) of Division 4 of the Labor Code,~~
13 ~~to the extent that confidential medical information or other~~
14 ~~individually identifiable information would be disclosed.~~

15 ~~(2) Records related to the discussions, communications, or any~~
16 ~~other portion of the negotiations with entities contracting or seeking~~
17 ~~to contract with the fund, and any related deliberations.~~

18 ~~(3) Records related to the impressions, opinions,~~
19 ~~recommendations, meeting minutes of meetings or sessions that~~
20 ~~are lawfully closed to the public, research, work product, theories,~~
21 ~~or strategy of the fund or its staff, on the development of rates,~~
22 ~~contracting strategy, underwriting, or competitive strategy pursuant~~
23 ~~to the powers granted to the fund in Chapter 4 (commencing with~~
24 ~~Section 11770) of Part 3 of Division 2 of the Insurance Code.~~

25 ~~(4) Records obtained to provide workers' compensation~~
26 ~~insurance under Chapter 4 (commencing with Section 11770) of~~
27 ~~Part 3 of Division 2 of the Insurance Code, including, but not~~
28 ~~limited to, any medical claims information, policyholder~~
29 ~~information provided that nothing in this paragraph shall be~~
30 ~~interpreted to prevent an insurance agent or broker from obtaining~~
31 ~~proprietary information or other information authorized by law to~~
32 ~~be obtained by the agent or broker, and information on rates,~~
33 ~~pricing, and claims handling received from brokers.~~

34 ~~(5) (A) Records that are trade secrets pursuant to Section~~
35 ~~6276.44, or Article 11 (commencing with Section 1060) of Chapter~~
36 ~~4 of Division 8 of the Evidence Code, including without limitation,~~
37 ~~instructions, advice, or training provided by the State Compensation~~
38 ~~Insurance Fund to its board members, officers, and employees~~
39 ~~regarding the fund's special investigation unit, internal audit unit,~~

1 and informational security, marketing, rating, pricing, underwriting,
2 claims handling, audits, and collections.

3 ~~(B) Notwithstanding subparagraph (A), the portions of records~~
4 ~~containing trade secrets shall be available for review by the Joint~~
5 ~~Legislative Audit Committee, California State Auditor's Office,~~
6 ~~Division of Workers' Compensation, and the Department of~~
7 ~~Insurance to ensure compliance with applicable law.~~

8 ~~(6) (A) Internal audits containing proprietary information and~~
9 ~~the following records that are related to an internal audit:~~

10 ~~(i) Personal papers and correspondence of any person providing~~
11 ~~assistance to the fund when that person has requested in writing~~
12 ~~that his or her papers and correspondence be kept private and~~
13 ~~confidential. Those papers and correspondence shall become public~~
14 ~~records if the written request is withdrawn, or upon order of the~~
15 ~~fund.~~

16 ~~(ii) Papers, correspondence, memoranda, or any substantive~~
17 ~~information pertaining to any audit not completed or an internal~~
18 ~~audit that contains proprietary information.~~

19 ~~(B) Notwithstanding subparagraph (A), the portions of records~~
20 ~~containing proprietary information, or any information specified~~
21 ~~in subparagraph (A) shall be available for review by the Joint~~
22 ~~Legislative Audit Committee, California State Auditor's Office,~~
23 ~~Division of Workers' Compensation, and the Department of~~
24 ~~Insurance to ensure compliance with applicable law.~~

25 ~~(7) (A) Except as provided in subparagraph (C), contracts~~
26 ~~entered into pursuant to Chapter 4 (commencing with Section~~
27 ~~11770) of Part 3 of Division 2 of the Insurance Code shall be open~~
28 ~~to inspection one year after the contract has been fully executed.~~

29 ~~(B) If a contract entered into pursuant to Chapter 4 (commencing~~
30 ~~with Section 11770) of Part 3 of Division 2 of the Insurance Code~~
31 ~~is amended, the amendment shall be open to inspection one year~~
32 ~~after the amendment has been fully executed.~~

33 ~~(C) Three years after a contract or amendment is open to~~
34 ~~inspection pursuant to this subdivision, the portion of the contract~~
35 ~~or amendment containing the rates of payment shall be open to~~
36 ~~inspection.~~

37 ~~(D) Notwithstanding any other law, the entire contract or~~
38 ~~amendments to a contract shall be open to inspection by the Joint~~
39 ~~Legislative Audit Committee. The committee shall maintain the~~
40 ~~confidentiality of the contracts and amendments thereto until the~~

1 ~~contract or amendments to a contract are open to inspection~~
2 ~~pursuant to this paragraph.~~

3 ~~(E) This paragraph is not intended to apply to documents related~~
4 ~~to contracts with public entities that are not otherwise expressly~~
5 ~~confidential as to that public entity.~~

6 ~~(F) For purposes of this paragraph, “fully executed” means the~~
7 ~~point in time when all of the necessary parties to the contract have~~
8 ~~signed the contract.~~

9 ~~This section does not prevent any agency from opening its~~
10 ~~records concerning the administration of the agency to public~~
11 ~~inspection, unless disclosure is otherwise prohibited by law.~~

12 ~~This section does not prevent any health facility from disclosing~~
13 ~~to a certified bargaining agent relevant financing information~~
14 ~~pursuant to Section 8 of the National Labor Relations Act (29~~
15 ~~U.S.C. Sec. 158).~~

16 SEC. 2. Section 293 of the Penal Code is amended to read:

17 293. (a) An employee of a law enforcement agency who
18 personally receives a report from a person, alleging that the person
19 making the report has been the victim of a sex offense, shall inform
20 that person that his or her name will become a matter of public
21 record unless he or she requests that it not become a matter of
22 public record, pursuant to Section 6254 of the Government Code.

23 (b) A written report of an alleged sex offense shall indicate that
24 the alleged victim has been properly informed pursuant to
25 subdivision (a) and shall memorialize his or her response.

26 (c) A law enforcement agency shall not disclose to a person,
27 except the prosecutor, parole officers of the Department of
28 Corrections and Rehabilitation, hearing officers of the parole
29 authority, probation officers of county probation departments, or
30 other persons or public agencies where authorized or required by
31 law, the address of a person who alleges to be the victim of a sex
32 offense.

33 (d) A law enforcement agency shall not disclose to a person,
34 except the prosecutor, parole officers of the Department of
35 Corrections and Rehabilitation, hearing officers of the parole
36 authority, probation officers of county probation departments, or
37 other persons or public agencies where authorized or required by
38 law, the name of a person who alleges to be the victim of a sex
39 offense if that person has elected to exercise his or her right
40 pursuant to this section and Section 6254 of the Government Code.

(e) A law enforcement agency shall not disclose to a person, except the prosecutor, parole officers of the Department of Corrections and Rehabilitation, hearing officers of the parole authority, probation officers of county probation departments, or other persons or public agencies if authorized or required by law, names, addresses, or images of a person who alleges to be the victim of human trafficking, as defined in Section 236.1, or of that alleged victim's immediate family, other than a family member who is charged with a criminal offense arising from the same incident, and that information and those images shall be withheld and remain confidential. The law enforcement agency shall orally inform the person who alleges to be the victim of human trafficking of his or her right to have his or her name, addresses, and images, and the names, addresses, and images of his or her immediate family members withheld and kept confidential pursuant to this section and Section 6254 of the Government Code. If the victim's native language is not English, the law enforcement agency shall inform the victim of this right in the victim's native language. For purposes of this subdivision, "immediate family" shall have the same meaning as that provided in paragraph (3) of subdivision (b) of Section 422.4 of the Penal Code.

(f) For purposes of this section, sex offense means any crime listed in subparagraph (A) of paragraph (2) of subdivision (f) of Section 6254 of the Government Code.

(g) Parole officers of the Department of Corrections and Rehabilitation, hearing officers of the parole authority, and probation officers of county probation departments shall be entitled to receive information pursuant to subdivisions (c), (d), and (e) only if the person to whom the information pertains alleges that he or she is the victim of a sex offense or is the victim of human trafficking, as defined in Section 236.1, the alleged perpetrator of which is a parolee who is alleged to have committed the offense while on parole, or in the case of a county probation officer, the person who is alleged to have committed the offense is a probationer or is under investigation by a county probation department.

SEC. 3. Section 293.5 of the Penal Code is amended to read:

293.5. (a) Except as provided in Chapter 10 (commencing with Section 1054) of Part 2 of Title 7, or for cases in which the alleged victim of a sex offense, as specified in subdivision (f) of

1 Section 293, has not elected to exercise his or her right pursuant
2 to Section 6254 of the Government Code, the court, at the request
3 of the alleged victim, may order the identity of the alleged victim
4 in all records and during all proceedings to be either Jane Doe or
5 John Doe, if the court finds that such an order is reasonably
6 necessary to protect the privacy of the person and will not unduly
7 prejudice the prosecution or the defense.

8 (b) If the court orders the alleged victim to be identified as Jane
9 Doe or John Doe pursuant to subdivision (a) and if there is a jury
10 trial, the court shall instruct the jury, at the beginning and at the
11 end of the trial, that the alleged victim is being so identified only
12 for the purpose of protecting his or her privacy pursuant to this
13 section.

14 SEC. 4. Section 1048 of the Penal Code is amended to read:

15 1048. (a) The issues on the calendar shall be disposed of in
16 the following order, unless for good cause the court directs an
17 action to be tried out of its order:

18 (1) Prosecutions for felony, when the defendant is in custody.

19 (2) Prosecutions for misdemeanor, when the defendant is in
20 custody.

21 (3) Prosecutions for felony, when the defendant is on bail.

22 (4) Prosecutions for misdemeanor, when the defendant is on
23 bail.

24 (b) Notwithstanding subdivision (a), all criminal actions in
25 which (1) a minor is detained as a material witness or is the victim
26 of the alleged offense, (2) a person who was 70 years of age or
27 older at the time of the alleged offense or is a dependent adult, as
28 defined in subdivision (h) of Section 368, was a witness to, or is
29 the victim of, the alleged offense, or (3) a person is a victim of an
30 alleged violation of subdivision (a), (b), or (c) of Section 236.1,
31 Section 261, 262, 264.1, 266i, 266h, 273a, 273d, 285, 286, 288,
32 288a, or 289, committed by the use of force, violence, or the threat
33 of force or violence, shall be given precedence over all other
34 criminal actions in the order of trial. In those actions, continuations
35 shall be granted by the court only after a hearing and determination
36 of the necessity thereof, and in any event, the trial shall be
37 commenced within 30 days after arraignment, unless for good
38 cause the court shall direct the action to be continued, after a
39 hearing and determination of the necessity of the continuance, and
40 states the findings for a determination of good cause on the record.

1 (c) This section shall not be deemed to provide a statutory right
2 to a trial within 30 days.

3 SEC. 5. The Legislature finds and declares that ~~Sections 1 and~~
4 ~~1.5 Section 1~~ of this act, which ~~amend~~ *amends* Section 6254 of the
5 Government Code, ~~impose~~ *imposes* a limitation on the public's
6 right of access to the meetings of public bodies or the writings of
7 public officials and agencies within the meaning of Section 3 of
8 Article I of the California Constitution. Pursuant to that
9 constitutional provision, the Legislature makes the following
10 findings to demonstrate the interest protected by this limitation
11 and the need for protecting that interest:

12 In order to protect the privacy and safety of victims of human
13 trafficking and their families, it is necessary to limit the public's
14 right of access to the personal information of those victims.

15 ~~SEC. 6. Section 1.5 of this bill incorporates the substantive~~
16 ~~amendments to Section 6254 of the Government Code proposed~~
17 ~~by both this bill and Assembly Bill 2611. It shall only become~~
18 ~~operative if (1) both bills are enacted and become effective on or~~
19 ~~before January 1, 2017, (2) each bill amends Section 6254 of the~~
20 ~~Government Code, and (3) this bill is enacted after Assembly Bill~~
21 ~~2611, in which case Section 1 of this bill shall not become~~
22 ~~operative.~~

23 ~~SEC. 7.~~

24 SEC. 6. If the Commission on State Mandates determines that
25 this act contains costs mandated by the state, reimbursement to
26 local agencies and school districts for those costs shall be made
27 pursuant to Part 7 (commencing with Section 17500) of Division
28 4 of Title 2 of the Government Code.